

Message Text

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ACTION L-03

INFO OCT-01 EUR-12 ISO-00 IO-13 ACDA-12 OES-09 DODE-00
NRC-05 EA-10 CIAE-00 INR-10 NSAE-00 NSC-05 EB-08
SOE-02 DOE-15 SS-15 SP-02 CEQ-01 PM-05 SAS-02
SY-05 MCT-02 DOTE-00 /137 W
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P 221610Z AUG 78
FM AMEMBASSY THE HAGUE
TO SECSTATE WASHDC PRIORITY 3216
INFO AMEMBASSY BRUSSELS
AMEMBASSY BONN
AMEMBASSY LONDON
AMEMBASSY PARIS
AMEMBASSY VIENNA

C O N F I D E N T I A L THE HHAGUE 4664

VIENNA FOR USIAEA, BRUSSELS ALSO FOR USEEC

E.O. 11652: GDS
TAGS: MNUC PARM ENRG NL
SUBJECT: CONVENTION ON PHYSICAL PROTECTION OF NUCLEAR MATERIALS

REF: STATE 203582

1. WE DISCUSSED THE POINTS IN REFTEL REGARDING THE
DOMESTIC APPLICATION OF A CONVENTION ON PHYSICAL PRO-
TECTION OF NUCLEAR MATERIALS AND THE PROVISIONS OF SUCH A
CONVENTION REGARDING MILITARY PURPOSE NUCLEAR MATERIAL
WITH BRANDS OF THE MFA SCIENTIFIC COOPERATION OFFICE
AND BLOEMBERGER OF THE MFA LEGAL ADVISORS OFFICE. THEY SAID
THE NETHERLANDS POSITION IS STILL OPEN REGARDING THE
SEPTEMBER 4-8 MEETING, AND A DISCUSSION IS SCHEDULED FOR
AUGUST 29 TO DETERMINE THE FINAL INSTRUCTIONS TO THE
DUTCH DELEGATION. THEY NOTED THAT THE AUSTRALIAN
EMBASSY HAD MADE A DEMARCHE SIMILAR TO OURS LAST WEEK.
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2. IN GENERAL, THE NETHERLANDS AGREES THAT INTERNATIONAL
TRANSPORT OF NUCLEAR MATERIAL IS A VERY IMPORTANT ISSUE
AND THAT AGREEMENT SHOULD BE REACHED ON THAT SUBJECT
EVEN IF CONSENSUS IS NOT POSSIBLE ON OTHER POINTS.
HOWEVER, IF ARTICLE 3 ON DOMESTIC APPLICATION IS DROPPED,
SEVERAL QUESTIONS ARISE REGARDING THE EFFECT OF ITS

DELETION ON THE REST OF THE CONVENTION. FOR EXAMPLE, IF ARTICLE 3 IS DROPPED, WILL THE SCOPE OF CRIMINAL PROVISIONS BE LIMITED TO CRIMES PERPETRATED ONLY DURING TRANSPORT? THE GON WOULD FAVOR AS TOTAL COVERAGE AS POSSIBLE IN THE CRIMINAL PROVISIONS AND FEARS THAT ELIMINATING ARTICLE 3 WOULD STRENGTHEN THE HAND OF THOSE WHO ADVOCATE A NARROW SCOPE FOR THE CONVENTION.

3. THE NETHERLANDS ALSO AGREES IN GENERAL WITH THE US POSITION ON THE COVERAGE OF MILITARY PURPOSE NUCLEAR MATERIAL BUT SEES SOME DIFFICULT QUESTIONS REGARDING DEFINITION, E.G., WHEN WOULD PROVISIONS OF THE CONVENTION CEASE TO APPLY TO A SHIPMENT BECAUSE IT IS A MILITARY TRANSPORT AND THEREFORE OUTSIDE THE SCOPE OF THE CONVENTION IF ARTICLE 2 IS ELIMINATED?

3. BRANDS AND BLOEMBERGER ASKED TO BE FURNISHED WITH THE ANSWERS TO THE FOLLOWING SPECIFIC QUESTIONS IF POSSIBLE PRIOR TO THEIR AUGUST 29 MEETING TO ASSIST THEM IN THE FORMULATION OF THE FINAL DUTCH POSITION: IF ARTICLE 3 IS DROPPED, COULD THE US DELEGATION AGREE THAT THE CRIMINAL PROVISIONS OF THE CONVENTION WOULD REMAIN UNCHANGED? IF ARTICLE 2 IS DROPPED, HOW WOULD THE US PROPOSE TO DEFINE MILITARY PURPOSE NUCLEAR MATERIAL IN ORDER TO COVER MILITARY TRANSPORT IN A WAY THAT WOULD BE SATISFACTORY TO US INTERESTS?
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JOSEPH

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